

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

QUINCY PITTMAN,

Plaintiff,

1:22-CV-1372
(GTS/ML)

v.

JOANNA JOHNSON, Supervisor B;
LAWRENCE T. DAHLLEE, Lawyer;
CHILD FAMILY SERVICE, Overseer; and
MARLE W. BLANCHFIELD, Judge,

Defendants.

APPEARANCES:

QUINCY PITTMAN

Plaintiff, *Pro Se*
1471 Glenwood Boulevard
Schenectady, New York 12308

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Quincy Pittman (“Plaintiff”) against Joanna Johnson, Lawrence T. Dahllee, Child Family Service, and Marle W. Blanchfield (“Defendants”), is United States Magistrate Judge Miroslav Lovric’s Report-Recommendation recommending that Plaintiff’s Complaint be *sua sponte* dismissed “without prejudice but without leave to replead” for lack of subject-matter jurisdiction. (Dkt. No. 4.)¹

¹ The Court understands the above-quoted term to mean dismissed without prejudice and without either (1) the ability of Plaintiff to amend his Complaint once before it is dismissed or (2) the ability of Plaintiff to amend his Complaint in the same action after that Complaint is dismissed. The Court respectfully finds the term “dismissed without prejudice” to suffice, given that such a dismissal itself forecloses either of the two possibilities mentioned.

Plaintiff has not filed an objection to the Report-Recommendation, and the deadline in which to do so has expired. (*See generally* Docket Sheet.)

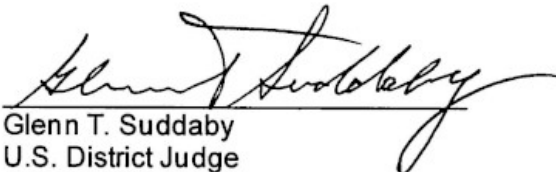
After carefully reviewing the relevant filings in this action, the Court finds no error in the Report-Recommendation, clear or otherwise:² Magistrate Judge Lovric employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein, and Plaintiff's Complaint is dismissed without prejudice.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Lovric's Report-Recommendation (Dkt. No. 4) is **ACCEPTED** and **ADOPTED**; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** without prejudice.

Dated: May 4, 2023
Syracuse, New York


Glenn T. Suddaby
U.S. District Judge

² When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).